

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

GREGORY DOWNS,	} Case No. 2:22-cv-09293-JGB-JDE } ORDER ACCEPTING FINDINGS } AND RECOMMENDATION OF } UNITED STATES MAGISTRATE } JUDGE
Petitioner/Plaintiff,	
v.	
J. CLARK KELSO, et al.,	
Respondents/Defendants.	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file, including the Notice of Removal filed by Respondent/Defendant J. Clark Kelso (“Kelso”) (Dkt. 1 at 1-2); the “Request for Petition for Writ of Mandate/Prohibition Code of Civil Procedure SEC §§ 1085-1086 (Dkt. 1 at 6-18, “Petition”) filed by Petitioner/Plaintiff Mr. Gregory Downs (“Downs”) in the Superior Court for the State of California, County of San Luis Obispo; Kelso’s Motion to Dismiss the Petition (Dkt. 5, “Motion”); and the Report and Recommendation issued by the assigned magistrate judge on March 23, 2023 (Dkt. 17, “Report”). No party filed a timely objection to the Report. The Report is approved and accepted.

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1 Therefore, IT IS HEREBY ORDERED that (1) Kelso's Motion (Dkt. 5)
2 is GRANTED, in part, on mootness grounds; (2) the action is REMANDED
3 to the Superior Court for the State of California, County of San Luis Obispo.

4
5 Dated: May 9, 2023


JESUS G. BERNAL
United States District Judge